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GENERAL STATUTES

OF THE

STATE OF MINNESOTA.

PREPARED BY THE COMMISSIONERS APPOINTED TO REVISE
THE STATUTES OF THE STATE, BY ACT OF THE
LEGISLATURE, PASSED FEBRUARY 17, 1863.

ONE HUNDRED COPIES ORDERED PRINTED.



SAINT PAUL:

FREDERICK DRISCOLL, STATE PRINTER.

(PRESS PRINTING COMPANY.)

1865.

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4 stay of all proceedings in such action, or a dismissal of such
5 action at the cost of the attorney commencing the same.

1 SECT. 21. When judgment is entered against any party
2 who has given security as above provided, and the disburse- 1862-p. 64, Sect. 3. c 13
3 ments and costs so adjudged against such party remain in
4 whole or in part unpaid for ten days after the entry of judg-
5 ment, such bond may be put in suit and prosecuted to final
6 judgment and execution.

CHAPTER LXVIII.

HOMESTEAD EXEMPTION.

1 SECTION 1. Any tract, piece or parcel of land, and the
2 buildings thereon, occupied as a residence and owned by
3 the debtor, or any such buildings owned by the debtor on
4 land not his own, but of which he is in the rightful posses-
5 sion by lease or otherwise, he being a householder and hav- New chapter.
6 ing a family, of the value of twenty-five hundred dollars,
7 shall be exempt from levy and sale on execution, and no
8 release or waiver of such exemption shall be valid in law,
9 unless by deed, for good consideration, subscribed by such
10 householder and his wife, and acknowledged and recorded
11 in the same manner as conveyances of real estate.

1 SECT. 2. Such exemption shall not affect any laborer's,
2 mechanic's or other lien for labor performed, or materials
3 furnished, in the erection, alteration or repair of any build-
4 ing or addition thereto, on such land, nor extend to any
5 mortgage thereof, lawfully obtained, nor any sale for non-
6 payment of taxes, or assessment thereon, nor to any debt or
7 liability incurred for the purchase of such lands or buildings,
8 nor to any debt or liability incurred before the recording of
9 the deed or writing provided for in the next section.

1 SECT. 3. To entitle any property to such exemption, it
2 shall be set forth in the deed of purchase that it is designed
3 to be held as a homestead, or if already purchased, the said
4 design shall be declared in writing, duly sealed and ac-
5 knowledged as in case of a conveyance of real estate, and
6 recorded in the registry of deeds of the county in which the
7 land is situated.

1 SECT. 4. Such exemption shall continue after the death
2 of such householder for the benefit of his widow and family,

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3 some one of them continuing to occupy such homestead,
4 until the majority of the youngest child and until the death
5 or marriage of the widow.

1 SECT. 5. No conveyance by the husband of any proper-
2 ty exempted as aforesaid, shall be valid in law unless the
3 wife joins in the deed of conveyance.

1 SECT. 6. If any judgment creditor shall require an exe-
2 cution to be levied on property claimed as a homestead, and
3 the officer is of opinion that the premises are of greater
4 value than twenty-five hundred dollars, he shall forthwith
5 notify the debtor or occupant of the premises and the cred-
6 itor or his attorney, each to appoint an appraiser, and the
7 officer shall also appoint an appraiser, and in case the debtor
8 or creditor neglects so to appoint, the officer shall appoint
9 an appraiser for each or either of them so neglecting. The
10 appraisers so appointed shall forthwith proceed to appraise
11 said premises and if, in the judgment of said appraisers, or
12 a majority of them, the premises are of greater value than
13 twenty-five hundred dollars, and can be divided without
14 injury to the parties they shall set-off to the judgment
15 debtor or occupant, by metes and bounds; so much of the
16 premises including the dwelling house as they deem of the
17 value of twenty-five hundred dollars, and the residue of the
18 property may be advertised and sold on execution. If in
19 the opinion of the appraisers the property cannot be divided
20 without injury to the parties, they shall make a certificate
21 under their hands to that effect, and deliver the same to the
22 officer, together with a certificate of their appraisal of said
23 premises and the officer shall deliver a copy thereof to the
24 judgment debtor or other lawful occupant of said home-
25 stead, and such debtor or lawful occupant, may pay to the
26 officer the excess of the value of said premises above the
27 sum of twenty-five hundred dollars, or so much thereof as
28 shall be sufficient to satisfy said execution, within three
29 months from the service of said certificate upon him, and
30 continue to hold said premises as a homestead; but if
31 said judgment debtor or lawful occupant fails to make
32 such payment within the time aforesaid, the officer shall
33 advertise and sell the same as in other cases, and out of the
34 proceeds of such sale, pay into court for the use of the
35 debtor and his family the sum of twenty-five hundred
36 dollars and apply the balance upon such execution; *Provi-*
37 *ded,* That unless a greater sum than twenty-five hundred
38 dollars is bid for said premises, they shall not be sold and
39 the execution shall be returned unsatisfied.

1 SECT. 7. The money so paid into court for the use of
2 the debtor and his family, shall be exempt from levy and

3 sale on execution or other process, for two years from the
4 time of such payment, and shall be paid out under the di-
5 rection of the court upon the joint application of the debtor
6 and his wife, if the debtor is living, otherwise to such par-
7 ties as are by law entitled to the benefit of such homestead.

1 SECT. 8. The appraisers, or a majority of them, shall
2 make a certificate of their doings under the provisions of
3 this chapter, which the officer shall attach to his return of
4 the execution, and the same shall have the same force and
5 effect as evidence as the return of the officer.

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CHAPTER LXIX.

MARRIED WOMEN.

1 SECTION 1. At any time before a marriage is solemn-
2 ized, the parties thereto may enter into a contract in writing
3 declaring their consent that, after the marriage is solemn-
4 ized the wife shall continue to hold either the whole or any
5 designated part of the real or personal estate, or any right New chapter.
6 of action of which she may be seized or possessed at the
7 time of the marriage, to her sole and separate use, free from
8 the interference or control of her husband. Such contract
9 may limit to the wife an estate for life, in the whole or any
10 part of the property, and designate any other limitation not
11 repugnant to the laws of this state, and all such limitations
12 shall take effect at the time of the marriage in like manner
13 as if they had been contained in a deed conveying to the
14 wife the property limited. There shall be annexed to said
15 contract, a schedule of the property to be affected thereby,
16 and said contract and schedule shall be void against any
17 creditor of the husband, unless recorded in the registry of
18 deeds of the county where the husband resides, within twen-
19 ty days after the solemnization of such marriage.

1 SECT. 2. Any person capable in law of making a deed
2 or will, including the husband, may convey, devise or be-
3 queath to any married woman, any property or estate to be
4 held by her, without the intervention of a trustee, to her
5 sole and separate use, free from the control or interference
6 of her husband. Every such conveyance shall be void as
7 against the creditors of the husband unless recorded in the reg-
8 istry of deeds of the county where the husband resides, within
9 twenty days after the execution and delivery of the same.